

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

No. 14 Civ. 1318 (WFK)

-v-

STIPULATION AND ORDER

ONE ANCIENT ROMAN MARBLE
SARCOPHAGUS LID WITH SCULPTURE
OF RECLINING WOMAN,

Defendant in Rem.

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WHEREAS, on or about February 27, 2014, a verified complaint, 14 Civ. 1318 (WFK) (the "Complaint") was filed in the United States District Court for the Eastern District of New York seeking the forfeiture of a certain property (the "Subject Property") pursuant to Title 18, United States Code, Section 1314, and Title 19, United States Code, Section 1595a;

WHEREAS, on or about March 21, 2014, the United States sent notice by mail of the Complaint to Noriyoshi Horiuchi, who reasonably appeared to be a potential claimant on the facts known to the government;

WHEREAS, Claimant Horiuchi initially had until on or about April 28, 2014, to file a claim pursuant to Title 18, United States Code, Section 983(a)(4) and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;

WHEREAS, this Court extended the time, by Orders dated April 24, 2014 and June 11, 2014, to file Mr. Horiuchi's claim to allow the parties to conduct settlement discussions;

WHEREAS, Mr. Horiuchi and the Government jointly request to extend the time for filing a claim until September 8, 2014. The parties make this request at this time because counsel for Mr. Horiuchi is beginning a jury trial next week in a criminal case in the United States District Court for the Southern District of New York. That case is expected to last three to

four weeks. The parties have been actively engaged in constructive settlement negotiations, which might avoid the use of the Court's resources in litigation. However, counsel for Mr. Horiuchi is unavailable until after his criminal trial to complete the parties' settlement negotiations.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, by its attorney Loretta E. Lynch, United States Attorney for the Eastern District of New York, and Karin K. Orenstein, Assistant United States Attorney, of counsel, and Noriyoshi Horiuchi, by his attorney, Henry E. Mazurek, Esq., of Clayman & Rosenberg LLP, that:

1. Noriyoshi Horiuchi shall have until September 8, 2014, to file a claim pursuant to Title 18, United States Code, Section 983(a)(4) and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

2. This Order is without prejudice to any rights, remedies, claims, or defenses of any of the parties hereto.

3. The signature pages of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. Signature pages may be by fax and such signature shall be deemed as valid originals.

AGREED AND CONSENTED TO:

LORETTA E. LYNCH
United States Attorney for the
Eastern District of New York

By:

K. K. Orenstein
Karin K. Orenstein
Assistant U.S. Attorney
271 Cadman Plaza East

7/14/2014
Date

Brooklyn, New York 11201
(718) 254-6188

NORIYOSHI HORIUCHI

By:

Henry E. Mazurek, Esq.
Clayman & Rosenberg LLP
305 Madison Avenue, Suite 1301
New York, New York 10165
(212) 922-1080
Counsel for Noriyoshi Horiuchi

Date _____

SO ORDERED:

HONORABLE WILLIAM F. KUNTZ
UNITED STATES DISTRICT JUDGE

Date _____